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6 PINOLEVILLE POMO NATION, et al

7 **UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

9 PINOLEVILLE POMO NATION,
10 PINOLEVILLE POMO NATION
11 ENVIRONMENTAL ASSOCIATION AND
LEONA WILLIAMS,

12 Plaintiffs,

13 v.
14

15 UKIAH AUTO DISMANTLERS, WAYNE
16 HUNT ISABEL LEWRIGHT, WARRIOR
17 INDUSTRIES, INC., RICHARD MAYFIELD,
18 ROSS JUNIOR MAYFIELD, PAULA
19 MAYFIELD, KENNETH HUNT, U.S.
20 ALCHEMY CORPORATION AND DOES 1-
21 50, INCLUSIVE,

22 Defendants.

Case No.: C 07 2648

**PROPOSED ORDER GRANTING
INJUNCTIVE RELIEF**

Date: 06/25/08

Time: 1:30 P.M.

Dept: Courtroom C, 15th Floor

Judge: Susan Illston

23 The application of plaintiffs PINOLEVILLE POMO NATION, PINOLEVILLE POMO
24 NATION ENVIRONMENTAL ASSOCIATION AND LEONA WILLIAMS having come on
25 regularly for hearing, the Court having reviewed the documents and papers on file herein and
having heard the argument of counsel, and good cause appearing therefore:

26 Based on the foregoing authorities, Plaintiff the Pinoleville Pomo Nation, et al,
27 respectfully requests that this Court issue an order requiring MAYFIELD site operator (Rick
28

1 Mayfield) to Cease and Desist from all industrial operations at MAYFIELD sites within the
2 exterior boundaries of the PINOLEVILLE POMO NATION pending completion of the
3 following requirements:

- 4
- 5 i) Retain licensed engineer or licensed geologist and lodge CV or resume with Court and
6 PPN Tribal Council.
- 7 ii) Provide access for PPN Tribal Council TO MAYFIELD site over 60 days for
8 PLAINTIFFS sediment and soil testing and further and extensive testing as
9 contemplated in Declaration of Joaquin Wright of KENNEC INC EARTH
10 ENGINEERING & SCIENCE.
- 11 iii) Under supervision of licensed engineer or licensed geologist, remove all contaminated
12 soil off MAYFIELD site until all hazardous materials and or constituents are below
13 CAL EPA MCL limits, legally and properly, and in compliance with all state and
14 federal regulations, and in a manner when moving dirt about, not to create hazards
15 such as airborne particles such as lead. Provide manifest and written documentation
16 to Court and PPN Tribal Council as to transportation and destination of contaminated
17 soil.
- 18 iv) Put down Asphalt where industrial operations are contemplated.
- 19 v) Submit plan for Best Management Practices (BMP) to prevent pollution and illegal
20 discharge of pollution certified and prepared by a licensed engineer or licensed
21 geologist to be lodged with Court and PPN Tribal Council.
- 22 vi) Implement BMP'S verified through initial inspection by PPN Tribal Council in order to
23 resume industrial operations, and then twice monthly monitoring for compliance over
24 12 month period by PPN Tribal Council.

25 IT IS HEREBY ORDERED that plaintiffs' application for Preliminary Injunction is GRANTED

26 DATED: _____

27 THE HONORABLE SUSAN ILLSTON
28 UNITED STATES DISTRICT COURT JUDGE